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SPY TRIAL DEFENSE TO COMPLETE CASE

Lawyers Expect to End Their Presentation Today for the Suspect in Code Thefts

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SAN FRANCISCO, June 18 — In a surprise move, defense attorneys in the espionage and tax fraud trial of Jerry A. Whitworth said today that they expected to complete the presentation of their case Thursday, only four days after it began, without calling Mr. Whitworth.

Prosecutors have presented nearly 140 witnesses over 11 and a half weeks in their attempt to prove that Mr. Whitworth stole secret Navy cryptographic data and passed it to a Soviet spy ring in exchange for \$332,000.

James Larson, a defense attorney, said that Mr. Whitworth would not testify in his defense. Mr. Larson said that Mr. Whitworth "really has no defense to the income tax evasion charges and for him to have to admit them on the stand would affect his credibility on the other charges."

Before the trial began March 24, defense attorneys unsuccessfully sought to have the eight counts of espionage in the indictment tried in a separate proceeding from the five counts of tax fraud. At that time they indicated that Mr. Whitworth was inclined to take the stand to testify regarding the espionage charges, but probably would not do so regarding the tax charges.

Defense attorneys indicated last week that they were unable to counter the tax charges when they argued a motion to dismiss most of the charges. A motion to dismiss charges is routinely made at the end of the prosecution's case in most trials.

Dismissal of Charges Denied

In their request, Mr. Whitworth's attorneys asked that all the espionage charges and one tax charge be dropped. The lone tax count for which they asked dismissal charges that Mr. Whitworth conspired with John A. Walker Jr., who has confessed to heading a Soviet spy ring, to defraud the Internal Revenue Service. The attorneys argued that the espionage charges and the one tax count had not been proved by the Government.

The attorneys did not ask for the dismissal of the four remaining counts that charge Mr. Whitworth with filing false tax returns. Their motion was denied by Federal District Judge John P. Vukasin Jr.

The defense attorneys have indicated through much of the trial that the main thrust of their case would be an attack on the credibility of Mr. Walker, the prosecution's most important witness. Mr. Walker, a former friend and Navy colleague of Mr. Whitworth, testified

that Mr. Whitworth was a member of his spy ring. Mr. Walker pleaded guilty to espionage charges in Baltimore last October and is awaiting sentence.

In cross-examination of Government witnesses, defense attorneys have also sought to establish that Mr. Whitworth might have believed that the materials the Government says he stole were being passed to an ally of the United States. The indictment charges that Mr. Whitworth stole the military data with the intent that it be used to aid the Soviet Union or harm the United States.

Income Unaccounted For

But there has been no hint as to how Mr. Whitworth could possibly account for the large amounts of money spent on goods and investments, which was discovered in an extensive investigation by agents of the Internal Revenue Service. The agents traced 10,000 personal checks, money order receipts and sales slips and were able to discover nearly \$152,000 in cash expenditures made by Mr. Whitworth and his wife, Brenda L. Reis, above what the investigation showed could be accounted for from the couple's legitimate income.

Miss Reis, who is earning a doctorate in nutrition at the University of California at Davis, has not been charged in the case.

The 12 witnesses presented thus far by the defense have attacked Mr. Walker as a liar and characterized Mr. Whitworth as a loyal and dependable man unlikely to have knowingly participated in espionage against his country.

Today Mr. Whitworth's longtime friend and sailing partner, Roger Olson, said Mr. Whitworth was "one of the most patriotic Americans that I have ever known and an anti-Communist." Mr. Olson, who met Mr. Whitworth when they were 18 years old and in the Navy Reserve together, said that he had also met Mr. Walker and instantly disliked him.

He told Mr. Whitworth that Mr. Walker "would sell out his own mother," Mr. Olson testified.